

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

June 20, 2012  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, McCaffrey, Fogle, and Genewick.

Absent: Alderman Schrader

**RECESS**

Recess for public input.

**062012.1**

**APPROVAL OF MINUTES**

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of June 6, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Appointments:**

6/19/12        Taraneh G. Jacobs, 3280 Craig Drive, North Tonawanda, NY appointed as Commissioner of Deeds. Said term expires December 31, 2013.  
Received and filed.

6/19/12        Samuel F. Provenzano-Heal, 279 Locust Street, Lockport, NY appointed as Commissioner of Deeds. Said term expires December 31, 2013.  
Received and filed.

**FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

6/18/12        Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Wednesday, July 4, 2012 in observance of Independence Day.

There will be no garbage collection on July 4<sup>th</sup>. Garbage scheduled for collection on July 4<sup>th</sup> through July 6<sup>th</sup> will be collected on the day following regularly scheduled collection.

The regular Common Council Meeting of July 4<sup>th</sup> will be held on Monday, July 2<sup>nd</sup>.  
Referred to the Media.

**Notice of Defect:**

6/7/12        151 McIntosh Drive, Lockport, NY – tree  
6/12/12       193 East Avenue, Lockport, NY – tree and pole  
6/15/12       167 South Street, Lockport, NY – tree  
Referred to the Director or Engineering.

**MOTIONS & RESOLUTIONS**

**062012.2**

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on June 22, 2012.

Seconded by Alderman Lombardi and adopted. Ayes 5.

**062012.3**

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

**062012.4**

By Alderman Kibler:

Resolved, that pursuant to their request, permission is hereby granted to The Chapel at Lockport to barricade Elm Street on from Main Street to Bellah Alley on Saturday, August 11, 2012 for a community outreach event, and be it further

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Fogle and adopted. Ayes 5.

**062012.5**

By Alderman Fogle:

Resolved, that pursuant to their request, Lockport Rage Football is hereby granted permission to use the football field at Outwater Park for a youth football clinic on July 21, 2012 subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kibler and adopted. Ayes 5.

**062012.5A**

By Alderman Kibler:

Resolved, that the Director of Engineering be and the same is hereby authorized to arrange for the installation of streetlights to be placed on pole #505T41 and #2-105 on West High Street.

Seconded by Alderman Fogle and adopted. Ayes 5.

**062012.5B**

By Alderman Lombardi:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a community market at the Gazebo on Canal Street on July 21, 28 and August 4, 11, 18, and 25, 2012, and be it further

Resolved, that the Director of Engineering is authorized and directed to arrange for delivery of refuse containers to the area prior to the said dates.

Seconded by Alderman Kibler and adopted. Ayes 5.

**062012.5C**

By Alderman Kibler:

Resolved, that the Youth Director be and the same is hereby authorized and directed to prepare the 2012 project application for state aid in the amount of \$23,367 for the Youth and Recreation Department, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to execute and submit said grant application for state aid for 2012 for Youth and Recreation.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

**062012.5D**

By Alderman Genewick:

Resolved, that resolution #041812.8 adopted by the Common Council at their April 18, 2012 meeting, regarding the Bond Ordinance for various equipment purchases, be and the same is hereby rescinded.

Seconded by Alderman Kibler and adopted. Ayes 5.

**062012.5E**

By Alderman Genewick:

Resolved, that resolution #041812.9 adopted by the Common Council at their April 18, 2012 meeting, regarding the Bond Ordinance for roof reconstruction, be and the same is hereby rescinded.

Seconded by Alderman Kibler and adopted. Ayes 5.

**062012.5F**

The following ordinance was offered by Alderman Genewick, who moved its adoption, seconded by Alderman Kibler, to-wit:

BOND ORDINANCE DATED JUNE 20, 2012.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,786,610 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF VARIOUS OBJECTS OR PURPOSES IN AND FOR SAID CITY.

By Alderman Kibler:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Lombardi and adopted. Ayes 5.

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the object or purpose of paying the cost of various capital improvements and items in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued \$2,786,610 serial bonds of said City pursuant to the provisions of the Local Finance Law, apportioned as set forth below:

- a) The purchase of equipment for construction and maintenance purposes, each item of which is \$30,000 or more, including incidental equipment and expenses, at a maximum estimated cost of \$771,000, which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$771,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- b) The purchase of equipment for construction and maintenance purposes, each item of which is over \$15,000 but less than \$30,000, including incidental equipment and expenses, at a maximum estimated cost of \$73,681, which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$73,681 serial bonds of the \$2,786,610

serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

- c) The purchase of equipment for construction and maintenance purposes, each item of which is \$15,000 or less, including incidental equipment and expenses, at a maximum estimated cost of \$77,700, which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$77,700 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 5 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- d) The purchase of a fire-fighting vehicle for the Fire Chief, including incidental equipment and expenses, at a maximum estimated cost of \$26,681, which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$26,681 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 10 years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law; and
- e) The lining of storm sewers and sewage treatment tanks and related work, including incidental improvements, equipment and expenses, at a maximum

estimated cost of \$712,348 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$712,348 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law; and

- f) The purchase and installation of 911 emergency telephones and radio dispatch system components, including incidental equipment and expenses, at a maximum estimated cost of \$150,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$150,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law; and
- g) The reconstruction of parks and recreational facilities, including incidental improvements, equipment and expenses, at a maximum estimated cost of \$250,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$250,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of

probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law; and

- h) The reconstruction of the Municipal building elevator, including incidental equipment and expenses, at a maximum estimated cost of \$32,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$32,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law; and
- i) The purchase of equipment for Sewer Department, including incidental equipment and expenses, at a maximum estimated cost of \$79,200 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$79,200 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 30 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law; and
- j) The replacement of Municipal Building telephone system, including incidental equipment and expenses, at a maximum estimated cost of \$42,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or

purpose shall consist of the issuance of \$42,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 5 years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and

- k) The construction of new ramp at Fire Station, including incidental improvements and expenses, at a maximum estimated cost of \$80,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$80,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 15 years, pursuant to subdivision 20 (c) of paragraph a of Section 11.00 of the Local Finance Law; and
- l) The purchase of police vehicles, including incidental equipment and expenses, at a maximum estimated cost of \$164,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$164,000 serial bonds of the \$2,786,610<sup>1</sup> serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 3 years, pursuant to subdivision 72 of paragraph a of Section 11.00 of the Local Finance Law; and
- m) The purchase and installation of directional signage, including incidental equipment and expenses, at a maximum estimated cost of \$275,000 which class



of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$275,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 5 years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law; and

- n) The construction of islands on Chesnut Street at the Ice Arena, including incidental improvements and expenses, at a maximum estimated cost of \$53,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$53,000 serial bonds of the \$2,786,610 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 10 years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law; and

Section 2. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of

the serial bonds herein authorized, including renewals of such notes is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by

section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes

Alderman McCaffrey	VOTING	Yes
Alderman Schrader	VOTING	Absent

The ordinance was thereupon declared duly adopted.

**062012.5G**

The following ordinance was offered by Alderman Genewick, who moved its adoption, seconded by Alderman Kibler, to-wit:

BOND ORDINANCE DATED JUNE 20, 2012.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,227,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF ROOFS ON VARIOUS MUNICIPAL BUILDINGS, IN AND FOR SAID CITY.

By Alderman McCaffrey:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Kibler and adopted. Ayes 5.

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the class of objects or purposes of paying the costs of the reconstruction of roofs on various municipal buildings and facilities, in and for the City of Lockport, Niagara County, New York, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$3,227,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid class of objects or purposes is hereby now determined to be \$3,377,000, which class of objects or purposes are hereby authorized at said maximum estimated cost, and the plan for the financing thereof is as follows: (a) by the issuance of the \$150,000 bonds of said City authorized to be issued pursuant to bond resolution dated and duly adopted October 5, 2011

for preliminary planning expenses in connection therewith, and (b) by the issuance of \$3,227,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, calculated from December 15, 2011, the date of issuance of the first obligation issued therefor. It is hereby further determined that the period of probable usefulness of the preliminary planning expenses authorized in bond resolution dated and duly adopted October 5, 2011 is now determined to be twenty five years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature

of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman McCaffrey	VOTING	Yes
Alderman Schrader	VOTING	Absent

The ordinance was thereupon declared duly adopted.

**062012.5H**

By Alderman Kibler:

Whereas, the Historic Lock Restoration Project, known as the "Flight of Five Locks" Project, to restore five (5) Mid 19<sup>th</sup> Century Locks to their operating condition in the 1850's in the City of Lockport, Niagara County in conjunction with the Erie Canalway National Heritage Corridor, PIN 5757.53, ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

Whereas, the City of Lockport desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI ) phase of the project PIN 5757.53

Now, therefore, the Common Council of the City of Lockport, duly convened does hereby

Resolve, that the Common Council of the City of Lockport hereby approves the above-subject project; and it is hereby further

Resolved, that the Common Council of the City of Lockport hereby authorizes the City of Lockport to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project of portions thereof; and it is further

Resolved, that the sum of \$48,400 is hereby appropriated from account #004-0004-0520-0050 in addition to \$130,000 previously appropriated for the Project's Preliminary Engineering (Design I-VI) phase via City Resolution No. 101806.12F adopted on October 18, 2006 and made available to cover the cost of participation in the above phase of the Project; and it is further

Resolved, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-IV) phase exceeds the amount appropriated, \$178,400 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase exceeds \$892,000, the City of Lockport shall convene its Common Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

Resolved, that the Mayor of the City of Lockport be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Lockport with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

Resolved, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. And it is further

Resolved, this resolution shall take effect immediately.

Seconded by Alderman McCaffrey` and adopted. Ayes 5.



**062012.6**

**ADJOURNMENT**

At 6:18 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M.,  
Monday, July 2, 2012

Seconded by Alderman Genewick and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk